AMENDMENT TRANSMITTAL LETTER (Large Entity) Applicant(s): Brian Whitman, et al.					Docket No. 14855		
Application No. 09/939,954	Filing Date August 27, 2001	Examiner James S. Wozniak		١٥.	Group Art Unit 2655	Confirmation No. 5409	
Invention: EXTRACTING CLASSIFYING DATA IN MUSIC FROM AN AUDIO BISTREAM SEP 2 9 2004							
COMMISSIONER FOR PATENTS:							
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.							
CLAIMS AS AMENDED							
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT		RATE	ADDITIONAL FEE	
TOTAL CLAIMS	48 -	48 =	0	x	\$18.00	\$0.00	
INDEP. CLAIMS	6 -	6 =	0	х	\$86.00	\$0.00	
Multiple Dependen	t Claims (check if appl	licable) 🗆				\$0.00	
	TOTAL ADDITIONAL FEE FOR THIS AMENDMENT \$0.00						
 No additional fee is required for amendment. □ Please charge Deposit Account No. in the amount of □ A check in the amount of to cover the filing fee is enclosed. ☑ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-1013/SSMP ☑ Any additional filing fees required under 37 C.F.R. 1.16. □ Any patent application processing fees under 37 CFR 1.17. Dated: September 27, 2004							
Registration No. 49,099 I certify that this document and fee is being September 27, 2004 with the U.S. Postal 3 class mail under 37 C.F.R. 1.8 and is address commissioner for Patents, P.O. Box 1450, Ale 22313-1450. Signature of Person Mailing Corresponden						i. Postal Service as first is addressed to the 450, Alexandria, VA	
DJT:nis cc:	David J. Torrente Typed or Printed Name of Person Mailing Correspondence						





HE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Brian Whitman, et al.

Examiner:

James S. Wozniak

Serial No:

09/939,954

Art Unit:

2655

Filed:

August 27, 2001

Docket:

14855

For:

EXTRACTING CLASSIFYING

Dated:

September 27, 2004

DATA IN MUSIC FROM AN

AUDIO BITSTREAM

Confirmation No.: 5409

Mail Stop Amendment Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT FOR RESTRICTION

Sir:

Pursuant to the Restriction Requirement imposed in the Official Action dated 25 August 2004, applicants provisionally elect the claims of Group I, i.e., Claims 1-18 and 27-43, for continued prosecution herein.

Claims 1-48 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. §121. Specifically, the Official Action avers that the following inventions are present in the claims:

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 27, 2004.

Dated: September 27, 2004

David J. Torren

Group I, Claims 1-18 and 27-43, allegedly drawn to a speech-related application for classifying an audio signal based on associated frequency data, classified in class 704, subclass 270; and

Group II, Claims 19-26 and 44-48, allegedly drawn to speech/audio signal processing for representing an audio signal using calculated frequency data, classified in class 704, subclass 205;

It is the Examiner's position that the inventions listed as Groups I and II are distinct from each other.

In response to the Examiner's requirement for restriction, Applicants provisionally elect to prosecute the subject matter of Group I, Claims 1-18 and 27-43. However, Applicants reserve the right, under 35 U.S.C. §121, to file one or more divisional applications directed to the non-elected claims in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,

David J. Torrent

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